



W.P.No.30916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30916 of 2022

S. Madeshwaran

...Petitioner

Vs

1. The Chairman/ Joint Registrar of
Co-operative Societies, Common
cadre Authority, Office of Joint Registrar
of Co-operative Societies,
Vellore Region, Vellore – 01.

2. The Deputy Registrar of Co-operative Societies,
Office of Deputy Registrar of Cooperative Societies,
Tirupattur Region. Tirupattur.

3. The President,
C 2143, Andiyappanur Primary Agricultural
Cooperative Credit
Societies, Andiyappanur Post,
Tirupattur Taluk and District – 635 702

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle my terminal benefits viz., my gratuity, Pension and encashment of my earned leave within a stipulated time period.

For Petitioner	: Mr. R. Bala Ramesh
For Respondents	: Mrs.P. Vijaya Devi Government Advocate

ORDER

The petitioner has filed this writ petition directing the respondents to settle petitioner's terminal benefits viz., gratuity, Pension and encashment of earned leave and pass orders.

2. The case of the petitioner is that while he was working as the Assistant Secretary in the 3rd respondent Co-operative Society, the Deputy Registrar of Co-operative Societies ordered Enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 to enquire about misappropriation of funds of the society for the period of December, 2009 to March, 2012. Pursuant to the order of The Deputy Registrar of co-operative societies, an enquiry officer was appointed and conducted the enquiry and filed his report on 27.04.2012 wherein he found that there is



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a misappropriation of funds of the 3rd respondent cooperative societies to the tune of Rs.35,69,332/- Thereafter, surcharge proceedings were initiated against 8 persons including the petitioner. Subsequently, the petitioner and another person has paid a sum of Rs.70,925/- for the loss caused in payment of relief fund received from MCC Bank. Thereafter, on attaining the age of superannuation the petitioner retired from the service on 31.08.2022. The grievance of the petitioner is that the 3rd respondent has not yet settled the retirement benefits and he has given a representation on 18.10.2022 to the respondent. However, the same was not considered till date. Hence this petition.

3. The learned counsel for the petitioner submitted that the respondents are fully aware of the fact that the petitioner and another person has jointly paid the surcharge amount. When this being the case the 3rd respondent has orally informed that due to the aforesaid surcharge proceeding is pending his retirements benefits has not been settled. Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the



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respondents submitted that they will consider the case of the petitioner and pass orders.

5. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 18.10.2022 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

03.04.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

To
1. The Chairman/ Joint Registrar of
Co-operative Societies, Common



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V.BHAVANI SUBBAROYAN,J.

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